



OVERSIGHT AND
COMPLIANCE

OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER
9010 DEFENSE PENTAGON
WASHINGTON, DC 20301-9010

**MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT, GENERAL
SERVICES ADMINISTRATION**

**SUBJECT: Charter Renewal and Membership Balance Plan Consultation – Board of Regents,
Uniformed Services University of the Health Sciences**

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the Board of Regents, Uniformed Services University of the Health Sciences (“the Board”) (attached). The Board will operate under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and in accordance with 41 CFR § 102-3.50.

Prior to filing the Board’s charter with the Library of Congress and the appropriate congressional committees the Department of Defense respectfully requests that the Committee Management Secretariat review and approve the proposed charter and membership balance plan (attached). Both documents has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact my point of contact, Len O’Reilly, at 703-692-5949.

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James D. Freeman II
Advisory Committee Management
Officer for the Department of Defense

Attachments
As stated

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Board of Regents, Uniformed Services University of the Health Sciences

1. Committee's Official Designation: The committee will be known as the Board of Regents, Uniformed Services University of the Health Sciences ("the Board").
2. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 2113a and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Board.
3. Objectives and Scope of Activities: The Board shall assist the Secretary of Defense in an advisory capacity in carrying out the Secretary's responsibility to conduct the business of the Uniformed Services University of the Health Sciences ("the University"), as set out in paragraph four below.
4. Description of Duties: The Board shall provide advice and recommendations on academic and administrative matters critical to the full accreditation and successful operation of the University.
5. Agency or Official to Whom the Committee Reports: The Board reports to the Secretary of Defense and/or the Deputy Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)). The USD(P&R), pursuant to Department of Defense (DoD) policy, may act upon the Board's advice and recommendations.
6. Support: The DoD, through the Office of the USD(P&R), provides support for the performance of the Board's functions and ensures compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$227,000.00. The estimated annual personnel cost to the DoD is 1.3 full-time equivalents.
8. Designated Federal Officer: The Board's Designated Federal Officer (DFO) must be a full-time or permanent part-time DoD officer or employee, designated in accordance with established DoD policies and procedures.

The Board's DFO is required to be in attendance at all meetings of the Board and any subcommittees for the entire duration of each and every meeting. However, in the absence of the Board's DFO, a properly approved Alternate DFO duly designated to the Board according to established DoD policies and procedures, must attend the entire duration of all meetings of the Board and any subcommittees.

The DFO, or the Alternate DFO, calls all meetings of the Board and its subcommittees; prepares and approves all meeting agendas; and adjourns any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

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9. Estimated Number and Frequency of Meetings: The Board meets at the call of the Board's DFO, in consultation with the Board's Chair. The Board shall meet at least once a quarter.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Board terminates upon rescission of 10 U.S.C. § 2113a.
12. Membership and Designation: Under the provisions of 10 U.S.C. § 2113a(b), the Board shall be composed of 15 members, appointed or designated as follows:
 - a. nine persons outstanding in the fields of health care, higher education administration, or public policy, who shall be appointed from civilian life by the Secretary of Defense;
 - b. the Secretary of Defense, or his designee, who shall be an *ex-officio* member;
 - c. the Surgeons General of the Uniformed Services, who shall be *ex-officio* members; and
 - d. the President of the University, who shall be a non-voting, *ex-officio* member.

As directed by 10 U.S.C. § 2113a(c), the term of office for each member of the Board (other than *ex-officio* members) shall be six years except that:

- a. any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and,
- b. any member whose term of office has expired shall continue to serve until his successor is appointed.

In accordance with 10 U.S.C. § 2113a(d), one of the members of the Board (other than an *ex-officio* member) shall be designated as Chair by the Secretary of Defense and shall be the presiding officer of the Board.

Board members that are not *ex-officio* members shall be appointed by the Secretary of Defense, and their appointments will be renewed on an annual basis according to DoD policies and procedures.

Those members appointed by the Secretary of Defense from civilian life provide their best judgment on the matters before the Board, based upon each individual's professional experience. Board members who are not full-time or permanent part-time Federal officers or employees will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Board members who are full-time or permanent part-time Federal officers or employees will serve as regular government employee (RGE) members pursuant to 41 C.F.R. § 102-3.130(a). No member may serve

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more than two consecutive terms of service without Secretary of Defense or Deputy Secretary of Defense approval.

Pursuant to 10 U.S.C. § 2113a(e), Board members (other than *ex-officio* members), while attending conferences or meetings or while otherwise performing their duties as members, shall be entitled to receive compensation at a rate to be fixed by the Secretary of Defense. Each member is reimbursed for travel and per diem as it pertains to official business of the Board.

13. Subcommittees: DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R) as the Board's Sponsor.

Such subcommittees will not work independently of the Board and will report all of their recommendations and advice solely to the Board for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Board. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Board, directly to the DoD or any Federal officer or employee.

Each member, based upon his or her individual professional experience, provides his or her best judgment on the matters before the Board, and he or she does so in a manner that is free from conflict of interest. All subcommittee members will be appointed by the Secretary of Defense or the Deputy Secretary of Defense to a term of service of one-to-four years, with annual renewals, even if the individual is already a member of the Board. Subcommittee member will not serve more than two consecutive terms of service, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense.

Subcommittee members who are not full-time or permanent part-time Federal officers or employees will be appointed as an expert or consultant pursuant to 5 U.S.C. § 3109 to serve as an SGE member. Subcommittee members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as an RGE member. With the exception of reimbursement of official travel and per diem related to the Board or its subcommittees, subcommittee members will serve without compensation.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

14. Recordkeeping: The records of the Board shall be managed in accordance with General Records Schedule 6.2, Federal Advisory Committee Records, or other approved agency records disposition schedule, and the appropriate DoD policies and procedures. These records will be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).

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15. Filing Date: May 2, 2017

Membership Balance Plan
Board of Regents, Uniformed Services University of the Health Sciences

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 2113a and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Board of Regents, Uniformed Services University of the Health Sciences ("the Board").
2. Mission/Function: The Board shall assist, in an advisory capacity, the Secretary of Defense in carrying out the Secretary's responsibility to conduct the business of the Uniformed Services University of the Health Sciences ("the University"). The Board shall provide advice and recommendations on academic and administrative matters critical to the full accreditation and successful operation of the University.
3. Points of View: The Board, pursuant to 10 U.S.C. § 2113a(b), shall be composed of 15 members, appointed or designated as follows:
 - a. nine persons outstanding in the fields of health care, higher education administration, or public policy, who shall be appointed from civilian life by the Secretary of Defense;
 - b. the Secretary of Defense, or his designee, who shall be an *ex-officio* member;
 - c. the Surgeons General of the Uniformed Services, who shall be *ex-officio* members; and
 - d. the President of the University, who shall be a non-voting, *ex-officio* member.

Board members who are not *ex-officio* members shall be appointed by the Secretary of Defense and their appointments will be renewed on an annual basis according to established Department of Defense (DoD) policies and procedures.

Those members appointed by the Secretary of Defense from civilian life provide their best judgment on the matters before the Board, based upon each individual's professional experience, and he or she does so in a manner that is free from conflict of interest. Board members who are not full-time or permanent part-time Federal officers or employees will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Board members who are full-time or permanent part-time Federal officers or employees will serve as regular government employee (RGE) members pursuant to 41 C.F.R. § 102-3.130(a). The Department, unless otherwise provided for by statute or Presidential directive, does not use representative members on DoD established or supported advisory committees.

The DoD has found that viewing the complex issues facing the Department through a multidisciplinary advisory committee provides the Department and, more importantly, the American public with a broader understanding of the issues on which to base subsequent policy decisions.

4. Other Balance Factors: NA

Membership Balance Plan
Board of Regents, Uniformed Services University of the Health Sciences

5. Candidate Identification Process: DoD, in selecting potential candidates for the Board, reviews the educational and professional credentials of individuals with extensive professional experience in the areas of health care, higher education administration, or public policy.

Potential candidates are identified by the Designated Federal Officer (DFO), in consultation with the Office of the Assistant Secretary of Defense for Health Affairs (ASD(HA)), and their professional staffs, as well as through recommendations by current members of the Board. Once potential candidates are identified, the DFO, in consultation with the ASD(HA), reviews the credentials of each individual and narrows the list of potential candidates. During the review, he or she strives to achieve a balance between the educational and professional credentials of the individuals and the anticipated subject matters to be reviewed by the Board to achieve expertise in points of view to be represented and functions to be performed. The ASD(HA), based on the recommendation of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) and the approval of the Secretary of Defense, is the Secretary of Defense representative to the Board.

After the list of candidates has been narrowed, it is forwarded to the USD(P&R) for further scrutiny and formal nomination to the Secretary of Defense or the Deputy Secretary of Defense. Prior to nominating the potential candidates, the list of candidates will undergo a review by the Office of the General Counsel for the Department of Defense and the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Board's statute, charter, and membership balance plan. Following this review, the USD(P&R) discusses his or her potential nominees with the Secretary of Defense or the Deputy Secretary of Defense and receives authority to proceed with the nominations.

Pursuant to DoD policy, only the Secretary or the Deputy Secretary of Defense can invite or approve the appointment of individuals to serve on DoD established or supported advisory committees and subcommittees. The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of members to the Board (other than *ex-officio* members) for a six-year term of service, except those Board members appointed to fill a vacancy occurring before the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term. Any Board member whose term of office has expired shall continue to serve until the successor is appointed. No member may serve more than two consecutive terms of service without Secretary of Defense or Deputy Secretary of Defense approval. The USD(P&R), as the Board's Sponsor, is authorized to administratively certify the appointment of Board members that were previously approved by the Secretary or Deputy Secretary of Defense.

Following approval or authorization to proceed with the appointment by the Secretary of Defense or the Deputy Secretary of Defense, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members who are appointed to serve as SGE members.

Membership Balance Plan
Board of Regents, Uniformed Services University of the Health Sciences

Membership vacancies for the Board will be filled in the same manner as described in the previous five paragraphs above.

6. Subcommittee Balance: DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board.

The Secretary of Defense or the Deputy Secretary of Defense approves the appointment of subcommittee members for one-to-four year terms of service with annual renewals; however, no member, unless authorized by the Secretary, may serve more than two consecutive terms of service. Individuals considered for appointment to any subcommittee of the Board may come from the Board itself or from new nominees, as recommended by the USD(P&R) and based upon the subject matters under consideration, but they must be approved by the Secretary of Defense or the Deputy Secretary of Defense and administratively certified by the USD(P&R) before participating in any subcommittee work.

Subcommittee members, if not full-time or permanent part-time Federal officers or employees, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Those individuals who are not full-time or permanent part-time Federal officers or employees shall serve as RGE members pursuant to 41 C.F.R. § 102-3.130(a).

7. Other: As nominees are considered for appointment to the Board, the DoD adheres to the Office of Management and Budget's Revised Guidance on Appointment of Lobbyists to Federal Committees, Boards, and Commissions (79 FR 27482; August 13, 2014) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared/Updated: May 2, 2017